IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36217 of 2008
GORA YADAV @ MITHLESH YADAV
Versus
STATE OF BIHAR
For the petitioner : Mr. Durgesh Nandan, Advocate
For the State : Mr. Upendra Kumar, APP
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2 17.12.2008 Heard.

The petitioner is facing accusations in a case instituted under sections 147, 148, 149, 341, 302 & 307 of Indian Penal Code.

The petitioner earlier had moved this Court in Cr. Misc. No. 1396/2008 which was disposed under order dated 15.2.2008 which runs as follows.

> "Heard both sides.
>
> The petitioner has renewed his prayer for bail in terms of the liberty so granted by this court under order dated 7.12.06 (Annexure-1).
>
> The petitioner is an accused in Konch P.S. case no. 48 of 2004 instituted for the offences under sections 147, 148, 149, 341, 302 & 307 of Indian Penal Code and 27 of the Arms Act as well as 17 of the Criminal Law Amendment Act.
>
> Learned counsel for the petitioner submits that the petitioner is in custody since 27.5.2006. He further submits with reference to the statement made in paragraph no. 18 of this application that after framing of charge no substantial progress has been made in the trial.
>
> Considered the liberty granted under Annexure-1, but in view of the allegations levelled against the petitioner in the FIR, I am not inclined to enlarge the petitioner on bail and his prayer for bail is rejected. If the trial is not taken up and concluded within a period of 6 months from today, the petitioner may renew his prayer for bail before this Court.
>
> With the aforesaid observation, this application stands rejected."

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Counsel for the petitioner submits that the petitioner is languishing in jail since 27.5.2006.

Referring to the order of the Trial Court, it has further been submitted that in spite of all efforts made by the Trial Court, not a single witness has been examined by the prosecution in this case.

Having regard to the entire facts and circumstances of the case, this Court disposes of the application in following manner.

The Trial Court shall take all needful steps to conclude the trial on or before 31.3.2009 failing which the Trial Court shall enlarge the petitioner on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to his own satisfaction.

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In the event, the Trial Court grants bail to the petitioner in terms of the order passed in this proceeding, the same shall be subject to the following conditions.

(i) one of the bailers should be the own/close family members of the petitioner.

(ii) The petitioner shall appear in person on each and every date fixed in the Court below where the trial of the case is pending.

pkj **(Kishore K. Mandal, J)**

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